

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric
Company for Approval of 2013-2014 Energy
Efficiency Programs and Budget (U39M).

Application 12-07-001
(Filed July 2, 2012)

And Related Matters.

Application 12-07-002
Application 12-07-003
Application 12-07-004

**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-11-015**

Intervenor: The Utility Reform Network (TURN)	For contribution to Decision (D.) 12-11-015
Claimed (\$): 93,614.17	Awarded (\$): 93,512.17 (reduced 0.1%)
Assigned Commissioner: Michael R. Peevey	Assigned Administrative Law Judge (ALJ): Todd O. Edmister

PART I: PROCEDURAL ISSUES

- A. Brief Description of Decision:** In D.12-11-015, *Decision Approving 2013-2014 Energy Efficiency Programs and Budgets*, the Commission approved a portfolio of energy efficiency (EE) programs and budgets to be implemented in 2013 and 2014 by Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Gas Company (SoCalGas), and Southern California Edison Company (SCE), as well as two regional energy networks (RENs) and one Community Choice Aggregator, Marin Energy Authority (MEA). The Commission also addressed policy issues related to the administration and implementation of these EE programs.

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	August 16, 2012	Verified
2. Other Specified Date for NOI (Notice of Intent):	N/A	
3. Date NOI filed:	September 17, 2012	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 11-11-008	Verified
6. Date of ALJ ruling:	January 3, 2012	Verified
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.11-11-008	Verified
10. Date of ALJ ruling:	January 3, 2012	Verified
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.12-11-015	Verified
14. Date of Issuance of Final Decision:	November 15, 2012	Verified
15. File date of compensation request:	January 14, 2013	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Intervenor's Claimed Contributions:	Specific References to Intervenor's Claimed Contributions:	CPUC Discussion:
The Utility Reform Network (TURN) contributed to the Commission's recognition of RENs as distinct from Local Government Partnerships (LGPs).	<ul style="list-style-type: none"> • D.12-11-015, at 12 ("TURN argues that RENs are distinguishable from LGPs and should be counted on to deliver results independently... We agree with TURN..."). • TURN Comments (Cmts), 9/14/2012, at 16; TURN Rep Cmts, 9/21/2012, at 12-13. 	Yes
TURN contributed to the Commission's determination that RENs should comply with the relevant parts of the EE Policy Manual.	<ul style="list-style-type: none"> • D.12-11-015, at 14 ("In general, we agree with TURN" that the relevant parts of the EE Policy Manual should apply to RENs). • TURN Cmts, 9/14/2012, at 26-27. 	Yes
TURN contributed to the Commission's determination that RENs should be evaluated like other programs and on an expedited basis, if possible, to provide feedback on their success for 2015 planning.	<ul style="list-style-type: none"> • D.12-11-015, at 20. • TURN Cmts, 9/14/2012, at 17-18. 	Yes
TURN contributed to the Commission's determination that incentives for solar thermal measures, proposed by BayREN, should be funded through the California Solar Initiative, rather than through the EE portfolio.	<ul style="list-style-type: none"> • D.12-11-015, at 39. • TURN Cmts, 9/14/2012, at 18-22 (arguing that BayREN should only be allowed to offer solar thermal incentives for projects that would not qualify for California Solar Initiative incentives and that meet the EE "dual test," and also that the CPUC should monitor for gaming that might exist). The Commission rejected EE funding for solar thermal altogether, as opposed to TURN's more nuanced position. 	Yes

<p>TURN demonstrated that the Investor-owned Utilities (IOUs') estimates of spillover effects should not be adopted.</p>	<ul style="list-style-type: none"> • D.12-11-015, at 54-56 (agreeing with TURN that the IOUs' estimates are problematic and instead adopting a portfolio-wide value of 5% (pending Executive Director's further study of the issue) because some spillover should be included now as a matter of policy. • TURN Protest, at 12-14; TURN 9/14/2012 Cmts, at 35-37. TURN argued that the IOUs' spillover estimates should not be adopted because they are based on outdated studies, studies from other states, and are otherwise not accurate enough, particularly for program-specific application. Plus, they would wipe out freeridership in programs like lighting, where clearly freeridership exists. 	<p>Yes</p>
<p>TURN demonstrated the risk associated with the prominence of savings from Codes & Standards in the IOUs' proposed portfolios.</p>	<ul style="list-style-type: none"> • D.12-11-015, at 56-57 (adopting the lower Navigant Codes & Standards (C&S) goals but warning the IOUs "to make effective use of the funding" authorized for C&S because of their "prominence in meeting energy savings goals."). • TURN Protest, at 11-12; TURN 9/14/2012 Cmts, at 12 (The portfolios rely significantly on savings from C&S, which are not well supported and are uncertain). • TURN 9/14/2012 Cmts, at 11-12 (arguing that the CPUC should adopt Navigant's reduced C&S goals but should also direct the IOUs to resubmit their C/E calculations, given the significant role of C&S in the IOUs' forecasted savings). 	<p>Yes</p>

PROPOSED DECISION

TURN contributed to the Commission's determination that the IOUs should be required to use the Energy Upgrade California (EUC) name in all of their materials.	<ul style="list-style-type: none"> • D.12-11-015, at 68. • TURN 9/14/2012 Cmts, at 30-31. 	Yes, as did many other parties, including Women Energy Matters, Solar City, and California Building Performance Contractors Association.
TURN demonstrated that the IOUs' proposal to exclude labor costs from the TRC (Total Resources Cost) measure of EUC should be rejected.	<ul style="list-style-type: none"> • D.12-11-015, at 69-70. • TURN Protest, at 14-16. 	Yes
TURN demonstrated that encouraging comprehensiveness in program design through different approaches to calculating cost effectiveness should be explored.	<ul style="list-style-type: none"> • D.12-11-015, at 70 ("We see promise in TURN's notion to limit cream-skimming, but also do not adopt this proposal at this time because it is not sufficiently developed. We suggest that TURN explore this idea further in R.09-11-014 with other stakeholders."). • TURN Protest, at 20; TURN 9/14/2012 Cmts, at 6-9. 	Yes
TURN demonstrated that the IOUs' proposed mid-case participation targets for EUC were too low, given the Strategic Plan goals.	<ul style="list-style-type: none"> • D.12-11-015, at 70 (requiring the IOUs to meet or exceed all of the targets in the high-participation scenarios filed in their EUC plans, while noting that "even the high-participation scenario is not aggressive, given the size of this state and the Strategic Plan goals"). • TURN 9/14/2012 Cmts, at 9-10; TURN 9/21/2012 Rep Cmts, at 7-8. TURN argued that the CPUC should adopt participation levels for the IOUs that are equal at least equal to the participation levels the IOUs forecasted for 2010-2012 (annualized), given the Energy Efficiency Strategic Plan goals. These targets are approximately twice as high as the IOUs' mid case for 2013-2014, and 	Yes

	higher than the IOUs' high case as well. The CPUC should not endorse the status quo.	
TURN demonstrated that EUC marketing and outreach should especially target the hotter climate zones in PG&E's and SCE's service territories.	<ul style="list-style-type: none"> • D.12-11-015, at 72 (directing PG&E and SCE to direct at least 25% more of their marketing and outreach efforts towards climate zones 9-16 – the hotter zones recommended by TURN – than the other climate zones). • TURN Protest, at 19-20; TURN 9/14/2012 Cmts, at 1-5; TURN 9/21/2012 Rep Cmts, at 2-4. 	Yes
TURN contributed to the Commission's determination that incentives for EUC audits should be tested.	<ul style="list-style-type: none"> • D.12-11-015, at 71-72 (IOUs), at 27 Southern California Regional Energy Network, at 37 (BayREN) (authorizing the provision of incentives for EUC audits but only for customers who install at least 3 measures). • TURN Cmts, 9/14/2012, at 22-24 (arguing that RENs should be allowed to test subsidies for audits under different scenarios, but TURN's preferred policy is that audit incentives only be provided for customers who decide to participate in EUC beyond the audit stage and actually install measures). 	Yes
TURN demonstrated that the IOUs should be directed to offer an upstream Heating, Ventilation and Air Conditioning (HVAC) distributor incentive program.	<ul style="list-style-type: none"> • D.12-11-015, at 75 (directing the IOUs to propose an incentive program for distributors of residential HVAC equipment). • TURN Protest, at 21-22; TURN 9/14/2012 Cmts, at 32-33; TURN Rep. Cmts on Proposed Decision (PD), at 5. 	Yes
TURN demonstrated that the Commission should explore providing incentives for code compliant residential HVAC replacements.	<ul style="list-style-type: none"> • D.12-11-015, at 75 (directing the IOUs to pilot "to code" incentives for HVAC replacements in the hotter climate zones). • TURN 9/14/2012 Cmts, at 13; 	Yes

	TURN 9/21/2012 Rep Cmts, at 9-11; TURN Rep. Cmts on PD, at 5.	
TURN demonstrated that the IOUs' HVAC proposals were woefully insufficient in light of the EE Strategic Plan and D.12-05-015 and that HVAC quality installation (QI) and quality maintenance QM activities should be considerably expanded during the transition period.	<ul style="list-style-type: none"> • D.12-11-015, at 75-76 (agreeing with TURN and ordering the IOUs to update their QI/QM targets and approaches to address the critical gap in the residential sector). • TURN Protest, at 17-18, 20-21. 	Yes
TURN contributed to the Commission's determination that it should encourage the expansion of residential behavior-based programs in this cycle.	<ul style="list-style-type: none"> • D.12-11-015, at 76-77. • TURN Protest, at 20, 22. 	Yes, although other parties, such as Opower, also contributed to this discussion.
TURN contributed to the Commission's clarification that there is no reason for the IOUs to require that 2012 contracts (with Third Party Programs) complete installations in 2012; commitments in 2012 with savings delivered in 2013 are contemplated by the Commission's existing policies.	<ul style="list-style-type: none"> • D.12-11-015, at 83. • TURN Cmts, 9/21/2012, at 15-16. 	Yes, although this is current Commission policy, which was not modified.
TURN demonstrated that the new revenue requirements for 2013 and 2014 should be offset by all uncommitted, unused funds from prior program cycles.	<ul style="list-style-type: none"> • D.12-11-015, at 92-93. • TURN 9/14/2012 Cmts, at 29-30. 	Yes, as also recommended by DRA.
TURN illuminated the troubling ratio of incentive to non-incentive costs in the IOUs' portfolios and demonstrated that the Commission should ensure that all non-incentive costs are properly accounted for in the Commission's review of the IOUs' portfolios.	<ul style="list-style-type: none"> • D.12-11-015, at 98 (citing levels of non-incentive costs and committing to further delineate the types of costs which belong in each cost category for improved tracking). • <i>See also</i> PD, at 91 (requiring an across-the board reduction of approximately 30% in non-incentive costs across all IOU portfolios, a directive which was not included in the final decision). • TURN Protest, at 7-8. 	Yes

TURN demonstrated that the Commission should apply the 20% target for non-incentive/rebate budgets for program delivery, which the Commission adopted in D.09-09-047, to the 2013-2014 program cycle.	<ul style="list-style-type: none"> • D.12-11-015, at 98. • TURN Cmts on PD, at 4-5. 	Yes
TURN demonstrated that, despite the appearance of cost-effectiveness in the IOUs' portfolios, there is a risk that the portfolios may not be cost-effectiveness because the TRC data inputs have not all been verified by the Commission, and because estimates of program performance may be overly optimistic.	<ul style="list-style-type: none"> • D.12-11-015, at 99. • TURN Protest, at 10-11, 22-23. 	Yes
TURN demonstrated that the PD's incorporation of a 1.25 TRC threshold was neither unprecedented nor inconsistent with Commission EE policy.	<ul style="list-style-type: none"> • D.12-11-015, at 100-101. • TURN Rep. Cmts on PD, at 3-4 (citing the Commission's application of a similar policy in the 2010-2012 program cycle). 	Yes
TURN demonstrated that the Commission should reduce the IOUs' requested budgets to protect ratepayers from paying more than the IOUs can reasonably be expected to spend, based on past performance, and because of the high cost per unit of EE in their proposed portfolios.	<ul style="list-style-type: none"> • D.12-11-015, at 101-102 (adjusting the IOUs' budgets downward and noting the following about the reduced budget levels: "First, they are not accompanied by a reduction in the savings goals associated with these portfolios. Thus, the utilities will be expected to meet or exceed their savings goals for the reduced budgets, resulting in a lower cost per unit of energy saved. Second, these approved budget levels represent an activity level in the programs (as measured by funding spent and measures installed annually) that is close to the highest level this decade, which was achieved in 2011. It is not clear that the utilities would be able to effectively utilize additional funding beyond this level even if we granted it, and we are loathe to collect additional 	Yes

	<p>funds from ratepayers today in this economy if the funds are only destined to become unspent balancing account reserves for use in future program cycles.”).</p> <ul style="list-style-type: none"> • TURN Protest, at 6; TURN 9/14/2012 Cmts, at 29-30. TURN argued that the IOUs' proposed budgets should give the Commission pause for several reasons. First, the IOUs all have significant unspent budgets in their current cycle, suggesting that they may have trouble spending approximately the same amounts in 2013 and 2014 that are budgeted for each year in the current cycle. Second, the levelized costs of EE, based on the IOUs' proposed portfolios, are rising at an alarming rate. 	
TURN demonstrated that the PD erred in deeming approved any aspects of the applications that were not explicitly discussed, deferred, or rejected by the PD.	<ul style="list-style-type: none"> • <i>Compare</i> PD, proposed Ordering Paragraph (OP) 45 (and also at 4, 100) <i>with</i> D.12-11-015, striking this OP and all related language in the decision. • TURN Cmts on PD, at 5-8. 	

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: TURN's positions overlapped to various degrees with the following parties: DRA, Environmental Health Coalition (EHC), California Housing Partnership Corporation (CHPC), and the Natural Resources	Yes	Verified

¹ The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Defense Council (NRDC).		
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>TURN coordinated with other intervenors with interests similar to, or potentially overlapping with, TURN's, including DRA, EHC, CHPC, and NRDC. TURN's coordination with DRA was the most extensive, the result of which was that DRA was apprised of the issues TURN intended to focus on and vice-versa. As a result, TURN was able to minimize or avoid undue duplication in our participation in this proceeding.</p> <p>In a proceeding such as this where many stakeholder groups are encouraged to participate, some degree of duplication may be practically unavoidable.² TURN and at times advanced recommendations that overlapped with the positions of other parties, including parties with whom TURN's interests are quite distinct (such as program implementation contractors and the RENs). Nonetheless, TURN submits that its compensation in this proceeding should not be reduced for duplication of the showings of other parties. Rather, the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under Pub. Util. Code §1802.5.</p> <p>Under these circumstances, the Commission should not reduce TURN's award of compensation due to duplication.</p>		<p>We agree that TURN strived to coordinate with other parties, including DRA. There appears to be issues on which greater coordination could have occurred, although it is also true that in a proceeding of this type, some degree of duplication is understandable. We make a very modest deduction of 10% in hours allocated to Energy Upgrade California to account for duplicative efforts.</p>

² See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X)(“[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” Each of the intervenor groups clearly has a stake in the process of restructuring California’s electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many implementation tasks ahead. [footnote omitted][¶] In a broad, multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).”)

PART III: REASONABLENESS OF REQUESTED**A. General Claim of Reasonableness (§§ 1801 & 1806):**

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation	CPUC Verified
<p>TURN's request for intervenor compensation seeks an award of approximately \$93,614.17 as the reasonable cost of our participation in this proceeding resulting in D.12-11-015. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy in this proceeding contributed to the Commission's determination that the IOUs' proposed budgets for 2013-2014 programs were unreasonably high and should be reduced. TURN presented analysis on the high levelized cost per unit of EE in the IOUs' applications, made recommendations for improving cost-effectiveness by controlling non-incentive costs, and otherwise offered evidence suggesting that the IOUs would not be able to spend budgets larger than those in their 2010-2012 portfolios. The Commission cited all of these concerns in D.12-11-015 (as explained in the Substantial Contribution table above). The budgets ultimately adopted by the Commission in D.12-11-015 for the 2013-2014 EE portfolios, including the IOU programs, the REN programs, the MEA programs, and Evaluation, Measurement and Verification (EM&V), are \$167,706,000 less than the IOUs' proposed budgets, which included only IOU programs and EM&V. (See D.12-11-015, at 96-97 (IOU requested budgets), at 102-103 (authorized IOU, REN, MEA, EM&V budgets).)</p> <p>Second, the Commission adopted TURN's recommendation that existing unspent, uncommitted EE funds from all prior program cycles be used to offset the authorized revenue requirements for 2013-2014, thus further reducing the actual amounts to be collected from customers each year. For program years 1998-2009, approximately \$180,000,000 is available to offset the revenue requirement in 2013. (D.12-11-015, at 93-94). The amount available to offset the 2014 revenue requirement is as of yet undetermined. (<i>Id.</i>, at 93).</p> <p>The remainder of TURN's advocacy reflected in D.12-11-015 addressed policy matters related to the proposed EE portfolios, rather than specific rates or disputes over particular dollar amounts. For these issue areas, TURN cannot easily identify precise monetary benefits to ratepayers from our work in this proceeding, given the nature of the issues presented. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation.</p>	Verified

<p>(See i.e. D.07-12-040, at 21 (awarding TURN intervenor compensation for energy efficiency policy work in Application (A.) 05-06-004 et al.).)³ TURN submits that our contributions to this proceeding will afford the ratepayers of PG&E, SCE, SDG&E and SoCalGas with significant benefits, as the establishment of energy efficiency policies has a direct and lasting impact on customer rates. The authorized EE portfolios will yield demand side resources designed to displace supply side resource procurement. As the energy crisis demonstrates, procurement costs can be a major driver of utility outlays and retail rates. The astronomical rate increases of 2001 can be linked to the extraordinary costs of wholesale electricity. In the future, procurement expenditures may represent the least predictable component of utility costs. Therefore, appropriate energy efficiency (and integrated resource planning) policies and prudent planning practices will be essential to maintaining both low and stable rates. TURN's contributions to this proceeding will assist the Commission in achieving its energy efficiency goals, as well as the mandates of AB 32. Moreover, TURN's contributions will promote long-term rate stability, reduce risks to ratepayers and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes approximately 380 hours of work by TURN's attorneys and consultants over a very intense five-month time period. TURN's efforts reflected herein resulted in numerous contributions to D.12-11-015, detailed above, and encompass the review and analysis of four utility applications, the preparation of a very lengthy and highly substantive protest, two sets of comments, and comments and reply comments on the PD, as well as the review of filings submitted by nearly 30 other parties.</p>	<p>We agree that this was a very intense proceeding that demanded a great deal of high-level work from the ALJ, staff, and all parties. In its NOI, TURN anticipated that it would devote 320 hours to this proceeding. Over 30 parties participated in this matter, including DRA.</p>

³ See also D.99-12-005, at 6-7 (Compensation Decision in 1995 Storm Phase of PG&E General Rate Case, A.97-12-020) and D.00-04-006, at 9-10 (Compensation Decision in Edison Performance-Based Ratemaking Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

TURN Attorney Time

Hayley Goodson served as TURN's attorney in this proceeding. Ms. Goodson has extensive experience on EE issues, making her an efficient staffing choice. She consulted with TURN attorney Marcel Hawiger on the discrete matter of EE funding for solar thermal measures, as Mr. Hawiger has expertise lacked by Ms. Goodson on the California Solar Initiative, which funds some solar thermal measures. TURN has included 1.25 hours of Mr. Hawiger's time related to this issue.

TURN Outside Expert Consultant Time

TURN also relied on outside expert consultants Cynthia Mitchell and her associate Gillian Court, of Energy Economics, Inc. Ms. Mitchell and Ms. Court supported TURN's work throughout this proceeding and assisted TURN with analysis reflected in TURN's pleadings.

Travel Time

TURN has included travel-related expenses for Cynthia Mitchell, who lives and works in Reno, Nevada, for travel to the Commission on one occasion to attend the Prehearing Conference (PHC) in this proceeding on August 17, 2012. It is very unusual for TURN to ask an outside consultant to accompany a TURN attorney to a PHC. However, the circumstances here made this strategic decision reasonable. TURN was aware of the likelihood that this proceeding would have an extremely truncated schedule with few opportunities for parties to advance positions. (Indeed, the proceeding was submitted for decision just two months after the PHC and 3 ½ months after the IOUs' filed their applications.) Accordingly, TURN prepared a very substantive protest, raising issues and presenting analysis more akin to testimony than a typical protest. Because TURN relied heavily on Ms. Mitchell in preparing this protest, it made sense to have Ms. Mitchell available at the PHC, which indeed was far more substantive than the typical Commission PHC.

Ms. Mitchell's travel to San Francisco on this occasion was not "general commuting," as Ms. Mitchell rarely comes to the Commission for business. Ms. Mitchell divided her travel time equally between this proceeding and another Commission proceeding, R.12-01-005, because she attended events in each proceeding during her trip to San Francisco. Her timesheets and expense reports indicate this division of time and travel-related expenses.

Intervenor Compensation-Related Time

TURN's request also includes 11 hours devoted to the preparation of this request for compensation. TURN submits that this amount of time is reasonable in light of the scale of the proceeding and TURN's level of involvement therein.

While TURN's hours are quite significant, we conclude that TURN made important and substantial contributions to D.12-11-015 but there were certain areas where duplication was unnecessary. We reduce the number of hours allocated to EUC and HVAC by 10% to account for this duplication.

<u>Summary</u> TURN submits that the Commission should find the hours requested here to be reasonable under the circumstances. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.			
c. Allocation of Hours by Issue TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:			Yes
Code	Description	Allocation of Time	
#	The work in in this category was substantive in nature but not specific to any one issue area addressed by TURN.	36%	
Budget/CE	This work in this category was related to the budgets for and evaluation of the cost-effectiveness of the proposed portfolios.	18%	
C&S	The work in this category was related to the Codes and Standards program.	2%	
Comp	Intervenor Compensation: work preparing TURN's NOI and Request for Compensation	3%	
Coord	This work was related to coordinating TURN's participation with other parties.	1%	
EUC/HVAC	The work in this category addressed comprehensive residential retrofit programs, including Energy Upgrade California (EUC), HVAC programs, and the proposed portfolios' compliance with the directives of D.12-05-015 related to comprehensive savings.	13%	
GP	The work in this category includes activities associated with general participation in this proceeding, such as TURN's initial review of the applications, attending the PHC, and reading ALJ procedural rulings and parties' preliminary pleadings as necessary to determine whether TURN should address the issues raised.	12%	
PD	This work was related to the Proposed Decision which preceded D.12-11-015, where such work was not readily allocated to a specific issue code.	10%	
REN	The work in this category was related to the policy and programmatic issues pertaining to the proposed Ren's.	3%	
Travel	This time in this category was devoted to travel.	1%	
TOTAL		100%	

If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Hayley Goodson	2012	184.50	\$325	D.13-11-022	\$59,962.50	183.31	\$325	\$59,575.75
Marcel Hawiger	2012	1.25	\$375	D.13-12-028	\$468.75	1.25	\$375	\$468.75
Gillian Court, Energy Economics Inc.	2012	38.50	\$150	D.14-02-037	\$5,775.00	37.7	\$150	\$5,655.00
Cynthia K. Mitchell, Energy Economics Inc.	2012	137.50	\$180	D.13-06-019. See comment below.	\$24,750.00	134.6	\$185	\$24,901.00
	Subtotal:				\$90,956.25	Subtotal:		\$90,600.50
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Cynthia K. Mitchell, Energy Economics Inc. – TRAVEL	2012	4.00	\$90	½ of 2012 hourly rate	\$360.00	4	92.50	\$370
	Subtotal:				\$360.00	Subtotal:		\$370.00
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Hayley Goodson	2012	1.5	\$162.50	1/2 of requested hourly rate for 2012	\$243.75	1.5	\$162.50	\$243.75
Hayley Goodson	2013	11.0	\$162.50	1/2 of requested hourly rate for 2012	\$1,787.50	11.0	\$162.50	\$1,787.50

		Subtotal:	\$1,787.50	Subtotal:	\$2,031.25⁴
COSTS					
#	Item	Detail	Amount	Amount	
1	Phone	phone/fax expense related to work that resulted in D.12-11-015	\$18.95		\$18.95
2	Photocopying	expense associated with copying pleadings related to work that resulted in D.12-11-015	\$73.20		\$73.20
3	Postage	expense associated with mailing pleadings related to work that resulted in D.12-11-015	\$16.50		\$16.50
4	Lodging	Hotel costs for TURN's expert consultant who lives and works in Reno, NV, associated with travel to the Commission to participate in A.12-07-001 et al.	\$205.20		\$205.20
5	Travel	Airfare and taxi costs for TURN's expert consultant who lives and works in Reno, NV, associated with travel to the Commission to participate in A.12-07-001 et al.	\$196.57		196.57
Subtotal:			\$510.42	Subtotal:	\$510.42
TOTAL REQUEST \$:			\$93,614.17	TOTAL AWARD \$:	\$93,512.17
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>					

⁴ We note that TURN incorrectly added the total amount charged for preparation of the intervenor compensation request and we correct that here.

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Hayley Goodson	December 5, 2003	228535	No
Marcel Hawiger	January 23, 1998	194244	No

C. Attachments Documenting Specific Claim and Comments on Part III

Attachment or Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time sheets for TURN’s attorneys and expert consultants showing coded time entries associated with work in A.12-07-001 et al. related to D.12-11-015
Attachment #3	TURN direct expenses associated with work in A.12-07-001 et al. related to D.12-11-015
Attachment #4	Additional Spreadsheets Supporting TURN’s Claim (Summary Table & Allocation by Issue Code)
Comment #1	<p>2012 Hourly Rate for TURN Attorney Hayley Goodson:</p> <p>For Goodson's 2012 rate, TURN asks the Commission to recognize that she is now in the 8-12 year experience band adopted in D.08-04-010, and that a \$325 hourly rate is appropriate given the move into this band. As the Commission recognized in D.08-04-010 (at 8), moving to a higher experience level is one of the circumstances that qualifies an intervenor representative with an existing rate for a rate increase.</p> <p>Goodson is a 2003 law school graduate. She became a TURN staff attorney that same year and has worked on regulatory matters before the CPUC since that time. The requested rate of \$325 is the same that the Commission awarded for the work of Itzel Berrio of the Greenlining Institute in 2005 in D.06-09-011, during her eighth year of experience as a lawyer.⁶ It is also the same as the rate awarded to California Asian Pacific Chamber of Commerce (CAPCC) for the work of David Temblador in 2010, his tenth year after obtaining his law degree but his first time appearing in CPUC proceedings or apparently working on regulatory matters related to the energy industry in California. While Goodson has slightly less post-law school experience in 2012 than Mr. Temblador had in 2010, her exclusive focus on such regulatory matters warrants valuing her experience such that a \$325 rate is appropriate.</p>

⁵ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

⁶ Ms. Berrio's rate was obtained from the Commission's web site's list of intervenor hourly rates, and her 2005 experience was obtained from the California State Bar's web site.

	TURN's showing here is similar in nature and quality to the showing made in support of a requested increase of \$25 to reflect the movement of Marcel Hawiger, another TURN staff attorney, from one experience tier to the next. (See D.11-09-037 in A.09-09-013). Should the Commission believe more or different information is warranted to provide further support for this request here, TURN requests that it be so notified and given the opportunity to supplement its showing. We note that D.13-11-022 awarded Goodson an hourly rate of \$325 for 2012 and we apply that here.
Comment #2	<p>2013 Hourly Rate for TURN Attorney Hayley Goodson:</p> <p>TURN requests that the Commission apply the 2012 hourly rate adopted for Goodson to the very limited number of hours Goodson devoted to this proceeding in 2013. Goodson's hours in 2013 were limited to preparing this request for compensation.</p> <p>TURN reserves the right to seek a higher 2013 hourly rate in the future for Goodson's work in this proceeding (work that is not included in this request for compensation) and/or her work in other proceedings.</p>
Comment #3	<p>2012 Hourly Rate for TURN Attorney Marcel Hawiger:</p> <p>For Hawiger's work in 2012, TURN seeks an hourly rate of \$375, an increase of 7.2% from the previously awarded rate of \$350 for 2010 and 2011. The increase is the general 2.2% increase provided for in Res. ALJ-281, plus the first of two 5% step increases available with his move in 2010 to the 13+ years' experience tier. D.13-12-028 awarded Hawiger an hourly rate of \$375 for 2012 and we apply it here.</p>

D. CPUC Disallowances & Adjustments:

#	Reason
1. 2012 Hourly rate for Cynthia Mitchell.	TURN has requested an hourly rate of \$180 for Cynthia Mitchell for work in 2012. D.13-06-019 adopted the rate of \$185 for 2012. As such, we apply the rate of \$185 per hour for work Mitchell completed in 2012.
2. Disallowance for duplication of efforts.	As discussed above, we make a modest reduction of 10% to hours allocated to EUC and HVAC to account for unnecessary duplication. This results in a reduction of 4.9 hours.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. The Utility Reform Network made a substantial contribution to Decision.12-11-015.
2. The requested hourly rates for The Utility Reform Network's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses as adjusted herein are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$93,512.17.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$93,512.17.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional energy and gas revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 30, 2013, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1211015	
Proceeding(s):	A1207001, A1207002, A1207003, A1207004	
Author:	ALJ Todd O. Edmister	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric Company, Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
The Utility Reform Network	01/14/2013	\$93,614.17	\$93,512.17	No	10% reduction in reduction for duplication in certain areas

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Hayley	Goodson	Attorney	TURN	\$325	2012/2013	\$325
Marcel	Hawiger	Attorney	TURN	\$375	2012	\$375
Cynthia	Mitchell	Expert	TURN	\$180	2012	\$185
Gillian	Court	Expert	TURN	\$150	2012	\$150

(END OF APPENDIX)